

EXHIBIT

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IN THE CIRCUIT COURT OF MARYLAND FOR PRINCE GEORGE'S COUNTY

JAMES GIBBONS
3470 Crane Road Port
Waldorf, MD 20676

Plaintiff,

v.

Case No.: **CAL 22 - 21942**

HARBOR FREIGHT TOOLS USA, INC.
3491 Missionoaks Blvd
Camarillo, CA 93012
SERVE: Corporate Creations Network, Inc.
Suite 700
2 Wisconsin Circle
Chevy Chase, MD 20815

Defendant.

COMPLAINT
(Personal injury – Negligence – Premises Liability)

COMES NOW, the Plaintiff, James Gibbons, by and through his attorneys, Whitney Cleaver Smith and Morgan & Morgan DC, PLLC, and sues the Defendant, Harbor Freight Tools USA, Inc., and for grounds therefore avers and alleges:

1. That the Plaintiff, James Gibbons, is and was at all times hereafter mentioned, domiciled in, and a citizen of the State of Maryland residing at 3470 Crane Road Port, Waldorf.
2. That the Defendant, Harbor Freight Tools USA, Inc. (hereinafter "Harbor Freight") is a foreign corporation authorized to do business in the State of Maryland.
3. That on or about February 27, 2022, the Plaintiff, James Gibbons, was a customer at the Harbor Freight located at 3286c Crain Highway, Waldorf, Maryland. The Plaintiff was in the parking lot, waiting for associates to load the air compressor he had purchased into his

vehicle. In violation of company policy, one employee, servant, or agent of Defendant, Harbor Freight, attempted to load the air compressor into the Plaintiff's vehicle by himself, which he was unable to do. As a result, the agent, servant or employee fell on the Plaintiff, James Gibbons, while holding the air compressor, causing him to injure his left elbow and suffering other injuries.

4. That the manager-on-duty, Akeem Porter, as an agent, servant, or employee of the Defendant, Harbor Freight, arrived on the scene of the incident and informed the Plaintiff, James Gibbons, that the store policy was to have two employees lift an item as heavy and large as the air compressor.

5. That it was then and there the duty of the Defendant, Harbor Freight, Harbor Freight, to properly train and supervise their agents, servants, and employees to follow company rules designed to protect employees and patrons from unsafe practices and hazardous risks and conditions; for its agents, servants, and/employees to adhere to specific rules designed to protect customers and employees from injury; that if their agents, servants, and/or employees were going to disregard or violate specific company safety rules, to warn their customers of their exposure to danger.

6. That notwithstanding these duties, the Defendant, Harbor Freight, failed to properly train and supervise their agents, servants, and employees to follow company rules designed to protect employees and patrons from unsafe practices and hazardous risks and conditions; failed to ensure its agents, servants, and/employees to adhere to specific rules designed to protect customers and employees from injury; failed to warn their customers of their exposure to danger if their agents, servants, and/or employees were going to disregard or violate specific company safety rules.

7. That as a direct and proximate result of the aforesaid negligence of the Defendant, Harbor Freight, the Plaintiff, James Gibbons, sustained serious, painful and permanent injuries in

and about his head, face, neck, shoulders, arms, legs, hands, elbows, back, knees, feet, limbs, chest and other parts of his body.

8. That the Plaintiff, James Gibbons, has in the past and will in the future suffer great physical pain, mental anguish and nervous shock. That he has in the past and will in the future be required to expend large sums of money for medical and nursing care, treatment and related items.


9. That the Plaintiff, James Gibbons, will be required to contend with injuries, many of which are permanent in nature and will hamper and deprive him of his enjoyment of life as a result of his injuries, and he has sustained a loss of income, past, present and future impairment of his earning power as a result of his injuries.

10. That the injuries to the Plaintiff, James Gibbons, directly and proximately resulted from the negligence, recklessness and carelessness of the Defendant, Harbor Freight, and its breach of those duties more particularly described herein.

WHEREFORE, the Plaintiff, James Gibbons, demands judgment against the Defendant, Harbor Freight Tools USA, Inc, in an amount in excess of SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS.

Respectfully submitted,

MORGAN & MORGAN DC, PLLC

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JURY TRIAL DEMAND

Plaintiff demands a trial by jury as to all issues.



Whitney Cleaver Smith

CERTIFICATE OF ADMISSION

I hereby certify, pursuant to section 1-313 of the Maryland Rules Article of the Annotated Code of Maryland, that I am admitted to practice law in the State of Maryland.



Whitney Cleaver Smith

AUG 26 2022